IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2617 OF 2007

Smt.Malti Ashok Vanjara .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

Mr.A.J.Joshi for the petitioner

Mr.P.M.Patil, A.G.P. for the respondent nos.1 to 3

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 12TH JUNE, 2007

P.C.:

1. Heard.

2. The petitioner has impugned the order dt.8.1.07 passed by the Scheduled Tribe Certificate Security Committee Konkan Division, Thane in Appeal Case no.246 of 2006. The petitioner claims that she belongs to Caste Dubli for which Caste Certificate has been issued by the Executive Magistrate, Vasai on 8.7.91. In the vigilance enquiry, it was found that the petitioner belongs to caste "Hindu

Rajput".

3. The learned counsel for the petitioner submits that the petitioner's caste Dubli is recognised as Schedule Tribe though it does not find place in the entry as appearing in Part IX of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (No.108 of 1976) at S.No.16. The entry at Sr.No.16 reads as "Dubla, Talavia, Halpati.

4. The learned counsel for the petitioner submits that the caste 'Dubla' and 'Dubli' are synonymous and that it has been held so by the very Caste Scrutiny Committee and there are catena of decisions of this court on this issue which supports the contention of the petitioner.

5. The petitioner admits that she belongs to the Caste 'Dubli' and that is her case that it has been found that she belongs to caste 'Rajput'. Therefore, atleast the petitioner's caste does not find place in the schedule notifying Schedule Tribe in Maharashtra. The contention of the learned

counsel for the petitioner that the caste 'Dubli' comes within Entry No.16 as it is synonymous with the caste 'Dubla' cannot be accepted as no one has an authority to read something into the entry which is not there.

6. Reliance placed by the learned counsel for the petitioner on this issue that the castes 'Dubla' and 'Dubli' are synonymous has no meaning as now it is a settled law as pronounced by the Supreme Court in the case of State of Maharashtra Vs. Milind Katware reported in 2001 (1) SCC 4 that the executive or for that reason any authority cannot substitute, add or amend any entry. Therefore, we do not find any merits in the petition and the same is dismissed.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)